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Attorneys for Plaintiffs
Martha Rauda and Regulo Puebla

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF THE STATE OF CALIFORNIA**

MARTHA RAUDA, REGULO
PUEBLA, individually and as
successors in interest to MARTHA
PUEBLA, decedent,

Plaintiffs,

vs.

CITY OF LOS ANGELES, a public
entity, CHIEF WILLIAM BRATTON,
an individual, DETECTIVE MARTIN
PINNEN, an individual, DETECTIVE
JUAN RODRIGUEZ, an individual,
AND DOES 1 THROUGH 10

Defendants.

NO. CV-08-3128 CAS (PJWx)

**STIPULATION FOR
PROTECTIVE ORDER RE
PRIVILEGED DOCUMENTS AND
THINGS PURSUANT TO
SUBPOENA TO THE OFFICE OF
THE LOS ANGELES COUNTY
DISTRICT ATTORNEY**

Judge Christina A. Snyder

Mag. Judge Patrick J. Walsh

TO: THE HONORABLE COURT:

Plaintiffs Martha Rauda and Regulo Puebla, individually and as successors
in interest to Martha Puebla, Decedent (collectively referred to as "Plaintiffs"), and

1 the Office of the Los Angeles County District Attorney ("LADA"), through their
2 respective attorneys, Stipulate as follows:

3 1. The attorneys for Plaintiffs have conducted non-party discovery dated
4 February 28, 2006 by serving on the Custodian of Records, Office of the Los
5 Angeles County District Attorney and Deputy District Attorney Beth Silverman
6 ("Silverman"), a subpoena for production, inspection and copying of:

7 1. Any and all communications between the LADA and Plaintiffs
8 Martha Ruada and Regulo Puebla ("Plaintiffs"), their FAMILY,
9 and/or their daughter, decedent Martha Puebla.

10
11 2. Any and all correspondence between the LADA and the City of
12 Los Angeles or its employees regarding Plaintiffs, their
13 FAMILY, and/or their daughter, decedent Martha Puebla.

14
15 3. Any and all correspondence between the LADA and U.S.
16 ATTORNEY'S OFFICE regarding Plaintiffs, their FAMILY,
17 and/or their daughter, decedent Martha Puebla.

18
19 4. Any and all correspondence or DOCUMENTS which discuss,
20 mention, evidence, or otherwise refer to witness protection for
21 Plaintiffs, Plaintiffs' FAMILY, and/or Plaintiffs' daughter,
22 Martha Puebla.

23
24 5. Any and all correspondence or documents referencing the
25 LEDESMA-PUEBLA RUSE.

26
27 6. Any and all correspondence or documents referencing the
28 LEDESMA-CASTANEDA RUSE.

- 1
- 2 7. Any and all correspondence or documents referencing the
- 3 CATALAN RUSE.
- 4
- 5 8. Any documents which discuss, mention, evidence, or otherwise
- 6 refer to witness protection for Martha Puebla and/or her
- 7 FAMILY.
- 8
- 9 9. Any and all documents which discuss, mention, evidence, or
- 10 otherwise refer to threats against Martha Puebla and/or her
- 11 FAMILY by members of the Vineland Boyz gang.
- 12
- 13 10. Any and all documents which relate to, refer to or discuss the
- 14 murder of Martha Puebla, including, without limitation, any
- 15 investigation regarding the murder of Martha Puebla and any
- 16 witness statements.
- 17
- 18 11. Any and all documents which refer to or discuss the murder of
- 19 Christian Vargas including, without limitation, any
- 20 investigation regarding the murder of Christian Vargas and any
- 21 witness statements.
- 22
- 23 12. Any and all LADA manuals, bulletins, rules, regulations,
- 24 policies, procedures, protocols, training materials and related
- 25 documents regarding the duty to provide protection to
- 26 individuals who are or who are alleged to have been witnesses
- 27 in a criminal matter, including persons such as Martha Puebla.
- 28

1 13. Any and all LADA manuals, bulletins, rules, regulations,
2 policies, procedures, training materials and related documents
3 relating to the offering of witness protection to persons,
4 including, a) whether such offers of witness protection and the
5 reasons therefore are to be documents in writing, b) the
6 information that should be provided to persons offered witness
7 protection, c) whether persons offered witness protection
8 should be told the reasons why they are being offered witness
9 protection, including the reasons why the LAPD, LADA, or
10 other law enforcement has determined that they are at risk.

11 The LADA and Silverman made written objections to the subpoena on the
12 grounds that disclosure of information in the materials requested would implicate
13 the subjects' rights to privacy, would endanger the personal safety of the subjects,
14 would disclose confidential official information, would disclose attorney work
15 product, may harm and interfere with other criminal prosecutions, and/or would
16 disclose information protected by the deliberative processes privilege.

17 2. Plaintiffs, the LADA, and Silverman are desirous of resolving the
18 disputes about disclosure and use of information acquired by plaintiffs and
19 defendants from the LADA and its personnel.

20 3. The LADA maintains and asserts that it has a legitimate need to limit
21 access to information about internal decision making for the conduct and course of
22 prosecutions.

23 4. The LADA also maintains and asserts that it has a legitimate need to
24 meet its obligations to maintain confidentiality and/or privacy of information as
25 required by statute and judicial decision, and to assure personal safety of potential
26 witnesses in its prosecutions.

27 5. To complete discovery expeditiously, to regulate the disclosure and
28 use of information from the LADA, and to meet the above identified needs of

1 LADA, the following procedures and limitations shall govern the use, disclosure,
2 distribution or dissemination of all documents and other tangible things, and the
3 information contained therein (collectively referred hereinafter as “The
4 PROTECTED DOCUMENTS”), either previously or henceforth produced by the
5 DA to Plaintiffs and to their counsel:

- 6 a. The PROTECTED DOCUMENTS shall be used solely in connection
7 with the preparation and trial of this action, Case No. CV-08-3128
8 CAS (PJWx), or any related appellate proceeding, and not for any
9 other purpose, including any other litigation. This paragraph shall not
10 preclude the Plaintiffs' attorney of record in this case from indicating,
11 in connection with discovery or a discovery motion in another action,
12 an awareness of responsive documents. In indicating such awareness
13 in any other action, the Plaintiffs' attorney of record shall not disclose
14 the substance of the Confidential Information.
- 15 b. The PROTECTED DOCUMENTS shall be treated as confidential by
16 Plaintiffs and their counsel and shall not be further disclosed except as
17 provided in this Protective Order.
- 18 c. The PROTECTED DOCUMENTS, or any portion thereof, may not be
19 disclosed, distributed or disseminated except as provided in
20 subparagraph (d) below.
- 21 d. The PROTECTED DOCUMENTS, or any portion thereof, may only
22 be disclosed to the following persons:
 - 23 (1) Counsel for Plaintiffs and Counsel for Defendants only and not
24 to Parties;
 - 25 (2) Paralegal, stenographic, clerical and secretarial personnel
26 regularly employed by counsel referred to in subparagraph (1) above.
 - 27 (3) Court personnel, including stenographic reporters engaged in
28 such proceedings as are necessarily incidental to preparation for the

1 trial of this action; and

2 (4) Expert witnesses and investigators designated by Counsel for
3 the Parties solely for the purpose of this litigation.

4 (5) The Plaintiffs themselves upon notice to the LADA of intent to
5 do so. Counsel for Plaintiffs must notify the LADA of an intent to
6 show Plaintiffs specific documents and the basis therefor. The LADA
7 must then, within 15 days, submit to Plaintiffs' counsel a written
8 objection and basis for the objection to prevent Plaintiffs from being
9 shown the documents. Plaintiffs' counsel must then, within 10 days,
10 respond in writing to the objections of the LADA. If, at that point, the
11 LADA still seeks to prevent disclosure, within 15 days, the Plaintiffs
12 may seek the appropriate relief from the Court.

13 e. Notwithstanding the foregoing, any party bound by this Stipulation
14 who contests the confidential nature of documents produced pursuant
15 to this Stipulation may move the Court for an order to have the
16 documents removed from the protective order and to have the
17 documents declared not confidential, or otherwise move to modify the
18 Stipulation as to some or all of the documents. These procedures are
19 in addition to, and not in lieu of compliance with Local Rule 37-1 et
20 seq. relating to discovery motions.

21 f. Furthermore, each person (except Court personnel) to whom
22 disclosure of The PROTECTED DOCUMENTS, or any portion
23 thereof, is made, with the exception of those identified in
24 subparagraph (d) above who are presumed to know the contents of
25 this protective order, shall, prior to the time of disclosure, be provided
26 a copy of this order by the person furnishing him/her such material,
27 and shall agree on the record or in writing that he/she has read the
28 protective order, and that he/she understands the provisions of the

1 protective order, and that he/she agrees to be bound by the provisions
2 of this Protective Order. Such person (except Court personnel) also
3 must consent in writing to be subject to the jurisdiction of the United
4 States District Court with respect to any proceeding relating to
5 enforcement of this order, including without limitation, any
6 proceeding for contempt. Unless made on the record in this litigation,
7 counsel making the disclosure to any person described above shall
8 retain the original executed copy of said agreement until final
9 termination of this litigation.

10 g. All under seal filings will be governed by Local Rule 79-5.1.

11 6. Nothing in paragraph 5 is intended to prevent officials or employees
12 of the County of Los Angeles or other authorized governmental officials from
13 having access to the PROTECTED DOCUMENTS if they would have had access
14 in the normal course of their job duties. Further, nothing in this order prevents a
15 witness from disclosing events or activities personal to him or her, that is, a witness
16 can disclose to others information previously given to the County of Los Angeles
17 with respect to what he or she saw, heard or otherwise sensed.

18 7. The foregoing is without prejudice to the right of the Plaintiffs and the
19 LADA:

- 20 a. To apply to the Court for a further protective order relating to
21 confidential material or relating to discovery in this litigation;
22 and
23 b. To apply to the Court for an order compelling production of
24 documents or modification of this protective order or for any
25 order permitting disclosure of documents or the information
26 contained therein the terms of this protective order.

27 8. The LADA shall place a stamp on each PROTECTED DOCUMENT
28 marked **Confidential–subject to Protective Order** and will release said

1 documents within 10 court days from the date the LADA is notified that this
2 Protective Order has been entered by the United States District Court. If through
3 its inadvertence, surprise or neglect, the LADA does not label a PROTECTED
4 DOCUMENT as indicated, counsel for Plaintiffs shall so notify the LADA so that
5 the LADA may place the phrase **Confidential—subject to Protective Order**, on
6 the PROTECTED DOCUMENT.

7 9. Within Thirty (30) days after the date that an Order terminating this
8 litigation becomes no longer subject to judicial review, counsel for Plaintiffs shall
9 promptly destroy all copies of the PROTECTED DOCUMENTS and shall certify it
10 has not retained any such documents, or portions thereof except as required by the
11 Court or law.

12 10. This Protective Order, when entered into by the Court, shall be
13 retroactive to the date of the initial disclosure of documents made by the LADA in
14 this matter.

15 11. This Protective Order is entered without prejudice to the right of any
16 party and/or the LADA to file any motion for relief from the Court from any
17 restriction hereof or for any other or further restriction on the production,
18 exchange, or use of any documents, testimony, or other information produced,
19 given, or exchanged in the course of discovery in this action. This Order may be
20 modified, amended, or vacated by further Order of the Court.

21 12. This Protective Order shall survive the final determination for this
22 action and shall remain in full force and effect after conclusion of all proceedings
23 herein, and the court shall have continuing jurisdiction to enforce its terms.

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1 ***IT IS SO STIPULATED:***

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3 Dated: April 16, 2009

4 OFFICE OF THE COUNTY COUNSEL

5 By: _____/s/ Ruben Baeza, Jr.

6 **RUBEN BAEZA, JR.**, Principal Deputy County Counsel

7 Attorneys for the Office of the Los Angeles County
8 District Attorney and Deputy District Attorney Beth
9 Silverman

10 Dated: April 16, 2009

11 SCHONBRUN DESIMONE SELOW
12 HARRIS & HOFFMAN LLP

13
14 By: _____/s/ David J. Sarnoff

15 Benjamin Schonbrun
16 Michael D. Seplow
17 David J. Sarnoff
18 Attorney for Plaintiffs

19 ***IT HEREBY IS SO ORDERED:***

20
21
22 Dated: 4/16/09

23 

24 _____
25 ***HON. PATRICK J. WALSH***
26 ***United States Magistrate Judge***
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